



## UNITED STATES PATENT AND TRADEMARK OFFICE

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## NOTICE OF ALLOWANCE AND FEE(S) DUE

826

7590

05/06/2010

ALSTON & BIRD LLP  
BANK OF AMERICA PLAZA  
101 SOUTH TRYON STREET, SUITE 4000  
CHARLOTTE, NC 28280-4000

EXAMINER

HOANG, SON T

ART UNIT

PAPER NUMBER

2165

DATE MAILED: 05/06/2010

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/540,440	04/19/2006	Wolfgang Theimer	042933/379280	2537

TITLE OF INVENTION: METHOD AND DEVICE FOR ORGANIZING USER PROVIDED INFORMATION WITH META-INFORMATION

APPLN. TYPE	SMALL ENTITY	ISSUE FEE DUE	PUBLICATION FEE DUE	PREV. PAID ISSUE FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	NO	\$1510	\$300	\$0	\$1810	08/06/2010

THE APPLICATION IDENTIFIED ABOVE HAS BEEN EXAMINED AND IS ALLOWED FOR ISSUANCE AS A PATENT. **PROSECUTION ON THE MERITS IS CLOSED.** THIS NOTICE OF ALLOWANCE IS NOT A GRANT OF PATENT RIGHTS. THIS APPLICATION IS SUBJECT TO WITHDRAWAL FROM ISSUE AT THE INITIATIVE OF THE OFFICE OR UPON PETITION BY THE APPLICANT. SEE 37 CFR 1.313 AND MPEP 1308.

THE ISSUE FEE AND PUBLICATION FEE (IF REQUIRED) MUST BE PAID WITHIN **THREE MONTHS** FROM THE MAILING DATE OF THIS NOTICE OR THIS APPLICATION SHALL BE REGARDED AS ABANDONED. **THIS STATUTORY PERIOD CANNOT BE EXTENDED.** SEE 35 U.S.C. 151. THE ISSUE FEE DUE INDICATED ABOVE DOES NOT REFLECT A CREDIT FOR ANY PREVIOUSLY PAID ISSUE FEE IN THIS APPLICATION. IF AN ISSUE FEE HAS PREVIOUSLY BEEN PAID IN THIS APPLICATION (AS SHOWN ABOVE), THE RETURN OF PART B OF THIS FORM WILL BE CONSIDERED A REQUEST TO REAPPLY THE PREVIOUSLY PAID ISSUE FEE TOWARD THE ISSUE FEE NOW DUE.

## HOW TO REPLY TO THIS NOTICE:

I. Review the SMALL ENTITY status shown above.

If the SMALL ENTITY is shown as YES, verify your current SMALL ENTITY status:

A. If the status is the same, pay the TOTAL FEE(S) DUE shown above.

B. If the status above is to be removed, check box 5b on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and twice the amount of the ISSUE FEE shown above, or

If the SMALL ENTITY is shown as NO:

A. Pay TOTAL FEE(S) DUE shown above, or

B. If applicant claimed SMALL ENTITY status before, or is now claiming SMALL ENTITY status, check box 5a on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and 1/2 the ISSUE FEE shown above.

II. PART B - FEE(S) TRANSMITTAL, or its equivalent, must be completed and returned to the United States Patent and Trademark Office (USPTO) with your ISSUE FEE and PUBLICATION FEE (if required). If you are charging the fee(s) to your deposit account, section "4b" of Part B - Fee(s) Transmittal should be completed and an extra copy of the form should be submitted. If an equivalent of Part B is filed, a request to reapply a previously paid issue fee must be clearly made, and delays in processing may occur due to the difficulty in recognizing the paper as an equivalent of Part B.

III. All communications regarding this application must give the application number. Please direct all communications prior to issuance to Mail Stop ISSUE FEE unless advised to the contrary.

**IMPORTANT REMINDER:** Utility patents issued on applications filed on or after Dec. 12, 1980 may require payment of maintenance fees. It is patentee's responsibility to ensure timely payment of maintenance fees when due.

# **PART B - FEE(S) TRANSMITTAL**

**Complete and send this form, together with applicable fee(s), to:** Mail **Mail Stop ISSUE FEE**  
**Commissioner for Patents**  
**P.O. Box 1450**  
**Alexandria, Virginia 22313-1450**  
 or Fax **(571)-273-2885**

**INSTRUCTIONS:** This form should be used for transmitting the ISSUE FEE and PUBLICATION FEE (if required). Blocks 1 through 5 should be completed where appropriate. All further correspondence including the Patent, advance orders and notification of maintenance fees will be mailed to the current correspondence address as indicated unless corrected below or directed otherwise in Block 1, by (a) specifying a new correspondence address; and/or (b) indicating a separate "FEE ADDRESS" for maintenance fee notifications.

CURRENT CORRESPONDENCE ADDRESS (Note: Use Block 1 for any change of address)

826 7590 05/06/2010

**ALSTON & BIRD LLP**  
**BANK OF AMERICA PLAZA**  
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**CHARLOTTE, NC 28280-4000**

Note: A certificate of mailing can only be used for domestic mailings of the Fee(s) Transmittal. This certificate cannot be used for any other accompanying papers. Each additional paper, such as an assignment or formal drawing, must have its own certificate of mailing or transmission.

## **Certificate of Mailing or Transmission**

I hereby certify that this Fee(s) Transmittal is being deposited with the United States Postal Service with sufficient postage for first class mail in an envelope addressed to the Mail Stop ISSUE FEE address above, or being facsimile transmitted to the USPTO (571) 273-2885, on the date indicated below.

(Depositor's name)
(Signature)
(Date)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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nonprovisional	NO	\$1510	\$300	\$0	\$1810	08/06/2010

EXAMINER	ART UNIT	CLASS-SUBCLASS
HOANG, SON T	2165	707-769000

1. Change of correspondence address or indication of "Fee Address" (37 CFR 1.363).

- ☐ Change of correspondence address (or Change of Correspondence Address form PTO/SB/122) attached.  
☐ "Fee Address" indication (or "Fee Address" Indication form PTO/SB/47; Rev 03-02 or more recent) attached. Use of a **Customer Number is required.**

2. For printing on the patent front page, list

- (1) the names of up to 3 registered patent attorneys or agents OR, alternatively, 1 \_\_\_\_\_  
 (2) the name of a single firm (having as a member a registered attorney or agent) and the names of up to 2 registered patent attorneys or agents. If no name is listed, no name will be printed. 2 \_\_\_\_\_  
 3 \_\_\_\_\_

3. ASSIGNEE NAME AND RESIDENCE DATA TO BE PRINTED ON THE PATENT (print or type)

PLEASE NOTE: Unless an assignee is identified below, no assignee data will appear on the patent. If an assignee is identified below, the document has been filed for recordation as set forth in 37 CFR 3.11. Completion of this form is NOT a substitute for filing an assignment.

(A) NAME OF ASSIGNEE

(B) RESIDENCE: (CITY and STATE OR COUNTRY)

Please check the appropriate assignee category or categories (will not be printed on the patent): ☐ Individual ☐ Corporation or other private group entity ☐ Government

4a. The following fee(s) are submitted:

- ☐ Issue Fee  
☐ Publication Fee (No small entity discount permitted)  
☐ Advance Order - # of Copies \_\_\_\_\_

4b. Payment of Fee(s): (Please first reapply any previously paid issue fee shown above)

- ☐ A check is enclosed.  
☐ Payment by credit card. Form PTO-2038 is attached.  
☐ The Director is hereby authorized to charge the required fee(s), any deficiency, or credit any overpayment, to Deposit Account Number \_\_\_\_\_ (enclose an extra copy of this form).

5. Change in Entity Status (from status indicated above)

- ☐ a. Applicant claims SMALL ENTITY status. See 37 CFR 1.27. ☐ b. Applicant is no longer claiming SMALL ENTITY status. See 37 CFR 1.27(g)(2).

NOTE: The Issue Fee and Publication Fee (if required) will not be accepted from anyone other than the applicant; a registered attorney or agent; or the assignee or other party in interest as shown by the records of the United States Patent and Trademark Office.

Authorized Signature \_\_\_\_\_ Date \_\_\_\_\_  
 Typed or printed name \_\_\_\_\_ Registration No. \_\_\_\_\_

This collection of information is required by 37 CFR 1.311. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, Virginia 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.

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EXAMINER

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## Determination of Patent Term Adjustment under 35 U.S.C. 154 (b) (application filed on or after May 29, 2000)

The Patent Term Adjustment to date is 151 day(s). If the issue fee is paid on the date that is three months after the mailing date of this notice and the patent issues on the Tuesday before the date that is 28 weeks (six and a half months) after the mailing date of this notice, the Patent Term Adjustment will be 151 day(s).

If a Continued Prosecution Application (CPA) was filed in the above-identified application, the filing date that determines Patent Term Adjustment is the filing date of the most recent CPA.

Applicant will be able to obtain more detailed information by accessing the Patent Application Information Retrieval (PAIR) WEB site (<http://pair.uspto.gov>).

Any questions regarding the Patent Term Extension or Adjustment determination should be directed to the Office of Patent Legal Administration at (571)-272-7702. Questions relating to issue and publication fee payments should be directed to the Customer Service Center of the Office of Patent Publication at 1-(888)-786-0101 or (571)-272-4200.

**Notice of Allowability****Application No.**

10/540,440

**Applicant(s)**

THEIMER ET AL.

**Examiner**

SON T. HOANG

**Art Unit**

2165

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 13 April 2010.
2. ☒ The allowed claim(s) is/are 1-5, 9-10, 12-19, 21-32, 35, 37-38, and 40-55 (renumbered as 1-46).
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some\* c) ☐ None of the:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.  
(a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached  
1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.  
(b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08),  
Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413),  
Paper No./Mail Date \_\_\_\_\_
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_.

/Neveen Abel-Jalil/  
Supervisory Patent Examiner, Art Unit 2165

## DETAILED ACTION

### Status

This communication is in response to the amendment filed on April 13, 2010.

**Claims 1-5, 9-10, 12-19, 21-32, 35, 37-38, and 40-55** are allowed in this Office action (renumbered as **claims 1-46**).

### Reasons for Allowance

The following is an Examiner's statement of reasons for allowance for **claims 1-5, 9-10, 12-19, 21-32, 35, 37-38, and 40-55**:

A) The prior arts of record fail to teach the steps of:

*"comparing said first time information with each of said second time information to identify matching calendar entries by assigning a membership function to each of said second time information and deriving a membership grade value from each of said membership functions in accordance with said first period of time, wherein each membership function comprises a function in time, which rises from zero value at a predetermined moment in time before said start time of a respective calendar entry and becomes zero value at a predefined moment in time after said end time of said respective calendar entry, wherein membership function defines an extended timeframe for each calendar entry"* (**independent claims 1, and 35**), and

*"providing code basis representing a plurality of coding symbols, said code basis comprising a pre-defined number of pre-defined frequencies, wherein a plurality of coding symbols represents a character and symbol code table employable for coding said meta-information, wherein said code basis is defined within a first frequency range, which is one frequency range of a plurality of frequency ranges forming a total frequency range being applicable to said user provided audio information;*

*repeating said code basis within at least one further frequency range out of said plurality of frequency ranges;*

*coding said meta-information in accordance with said code basis defined within said first frequency range and repeated within said at least one further frequency range to obtain redundancy"* (**independent claims 18, and 38**).

**Dependent claims 2-5, 9-10, 12-17, 19, 21-32, 37, and 40-55** are also allowable based on their dependencies on **claims 1, 18, 35, and 38** respectively.

B) The prior arts of record are summarized as follow:

- Nakamura et al. (Pub. No. US 2004/0201740) teaches automatic determination of image storage location based on comparing information contained in a data source against image metadata that is stored along with the image. The data source contains information such as date events like birthdays, and anniversaries, location information such as information pertaining to planned

Art Unit: 2165

trips and conferences, voice recordings, and other information on which basis images can be organized.

- Andrews et al. (*Pub. No. 2003/0060979*) teaches notifying a user of an appointment by utilizing an appointment time and an appointment location of the appointment. A current location of a wireless device is determined. A travel time is estimated for the user to travel from the current location of the wireless device to the appointment location. A lead time is determined for the user to prepare prior to travel from the current location to the appointment location. The estimated travel time, the determined lead time and the appointment time is used to determine an alarm time. The user of the wireless device may be notified of the appointment if a current time reaches the determined alarm time.

- Brechner et al. (*Pat. No. US 6,741,996*) teaches automatic organization of media clips on a hard drive or other storage into collections and automatically assigning metadata to facilitate subsequent searching for media clips. A Clip Organizer software application initially scans a user's hard drive to identify folders containing user files of sound, picture, clip art, video and other media clips. Predefined types of folders are omitted in the scan to avoid identifying media clips that do not belong to the user or are part of another application program.

- Gupta et al. (*Pat. No. US 6,484,156*) teaches annotations correspond to multiple different multimedia streams. An annotation server uses a hierarchical annotation storage structure to maintain a correspondence between the annotations and a hierarchically higher group identifier. Thus, annotations

Art Unit: 2165

corresponding to the different multimedia streams can easily be accessed concurrently by using the group identifier. Uniform resource locators (URLs) are used to identify the different multimedia streams. Each of the multimedia streams is identified by a different URL having a common prefix. This prefix is then used to identify all of the multimedia streams and their corresponding annotations.

- Asazu et al. (*Pat. No. US 6,484,156*) teaches a middleware operating under control of a media data audiovisual apparatus having functions of storing media data for replaying comprises a media data management means for providing the media data management functions including replaying, readout, recording, deletion and synthesis of media data and also recording of an access history to the media data.

- LaDue (*Pub. No. US 2003/0133423*) teaches sending data communications over wireless digital voice communications networks which transmit voice communications in voice frames, each of which contains a digitized segment of a voice communication in a voice frame format by encoding the data communication into a plurality of data frames, each of the data frames having the same format as the voice frame format, transmitting the data frames over the wireless digital voice communications network, and decoding the data frames to reconstruct the data communication.

- Tecu et al. (*Pub. No. US 2004/0034655*) teaches a database accessible by a processor and adapted to store at least one data stream having audio data. An encoder routine accessible by the processor and adapted to encode metadata at a plurality of predetermined intensity levels at a human-



Art Unit: 2165

inaudible frequency and populate the audio data of the data stream with the encoded metadata.

- Tsuruoka (*Pat. No. US 6,192,056*) teaches demodulation utilizing a correlation detector for detecting a correlation between a guard section of the symbol of a digital orthogonal frequency division multiplex modulated signal and a section having a correlation with the guard section in an effective symbol of the symbol, a section integrator for section integrating a detected output of the correlation detector with respect to the guard section, a peak detector for detecting a peak of a triangular wave signal from the section integrator, and a frame timing signal producing circuit for producing a frame timing signal of a predetermined frame of each of the frames based on a peak detecting signal from the peak detector.

- Levy et al. (*Pub. No. US 2002/0031240*) teaches authenticating a media signal by transforming at least a portion of the media signal into a set of frequency coefficients in a frequency domain. For example, the authentication applies a Fast Fourier Transform (FFT) or other frequency transform to blocks of a media signal, such as an image, audio or video signal. It adjusts a relationship between selected frequency coefficients to a reference value. This adjustment is selected so that an alteration to be detected, such as a re-sampling operation or digital to analog--analog to digital conversion, alters the relationship.

- Kometani et al. (*Pat. No. US 5,805,773*) teaches a fuzzy reasoning system separately manages fuzzy rule groups, and fuzzy sets each including a plurality of membership functions. When executing fuzzy reasoning, the system

Art Unit: 2165

selects one fuzzy rule group and at least one fuzzy set in conformity with a situation at that time and combines them. Thereafter, it executes the reasoning for fact information. This arrangement facilitates the building of a flexible fuzzy reasoning system which can confirm to varying situations.

C) Any comments considered necessary by the Applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

### ***Contact Information***

Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Son T. Hoang whose telephone number is (571) 270-1752. The Examiner can normally be reached on Monday – Friday (7:00 AM – 4:00 PM).

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Neveen Abel-Jalil can be reached on (571) 272-4074. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private

Art Unit: 2165

PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/S. T. H./  
Examiner, Art Unit 2165  
April 29, 2010

/Neveen Abel-Jalil/  
Supervisory Patent Examiner, Art Unit 2165